

DECLARATION
(CONTINUATION-IN-PART APPLICATION)

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name:

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "PROCESS FOR HETEROTROPHIC PRODUCTION OF MICROBIAL PRODUCTS WITH HIGH CONCENTRATIONS OF OMEGA-3 HIGHLY UNSATURATED FATTY ACIDS", the specification of which is attached hereto and filed concurrently herewith and identified as Attorney File No. 2391-1, and which, in part, discloses and claims subject matter disclosed in the earlier filed and pending United States Patent Applications Serial No. 07/439,093, filed November 17, 1989 and Serial No. 07/241,410, filed September 7, 1988.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a), material information being information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and as to subject matter of this application which is common to said earlier applications, I do not know and do not believe: that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application; or that the same was in public use or on sale in the United States of America more than one year prior to the effective date of this application; or that the common subject matter has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any applications filed by us or our legal representatives or assigns more than one year prior to this application; or that an application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns except as follows: None.

I hereby claim the benefit under title 35, United States Code, §120 of prior pending United States Patent Applications Serial No. 07/439,093, filed November 17, 1989 and Serial No. 07/241,410, filed September 7, 1988, and insofar as the subject matter disclosed and claimed in this application is not disclosed in said prior application in the meaning provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information in accordance with Title 37, Code of Federal Regulations §1.56(a) which occurred between the filing date of the prior applications and the filing date of this continuation-in-part application, and further declare that I do not know and do not believe the same was ever known or used in the United States of America before our invention thereof or patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application, that the same was in public use or on sale in the United States of America more than one year prior to this application, that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any applications filed by me or my legal representatives or assigns more than one year prior to this application or that an application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by us or our legal representatives or assigns except as follows: None.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like as made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

WHEREFORE, I pray that Letters Patent be granted to me for the invention described and claimed in the foregoing application, and I hereby subscribe my name to the foregoing specification and claims and declaration.

Full Name of Sole Inventor: William R. Barclay

Inventor's Signature: William R. Barclay

Date: 9-11-90

Residence:

6395 Bruntwood Court

Boulder, Colorado 80303

Boulder

CO County

Citizenship:

United States

Post Office Address:

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Boulder, Colorado 80303

Applicant or Patentee: William R. Barclay Attorney's
Serial or Patent No. : _____ Docket No. 2391-1
Filed or Issued: _____
For: "PROCESS FOR HETEROTROPHIC PRODUCTION OF MICROBIAL PRODUCTS WITH HIGH
CONCENTRATIONS OF OMEGA-3 HIGHLY UNSATURATED FATTY ACIDS"

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN)

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Phycotech, Inc.
ADDRESS OF CONCERN P.O. Box 17145
Boulder, Colorado 80308

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "PROCESS FOR HETEROTROPHIC PRODUCTION OF MICROBIAL PRODUCTS WITH HIGH
CONCENTRATIONS OF OMEGA-3 HIGH UNSATURATED FATTY ACIDS"
by inventor(s) William R. Barclay
described in _____

- ☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING William R. Barclay
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING P.O. Box 17145, Boulder, Colorado 80308

SIGNATURE William R. Barclay DATE 9-11-90